

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF 1199/SEIU GREATER :
NEW YORK BENEFIT FUND and BOARD OF :
TRUSTEES OF 1199/SEIU GREATER NEW YORK : 20cv6936 (DLC)
EDUCATION FUND,
:
Plaintiffs, : ORDER
:
-v- :
:
MANHATTANVIEW NURSING HOME a/k/a/
MANHATTAN VIEW CARE CENTER, :
:
Defendant. :
:
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DENISE COTE, District Judge:

On August 27, 2020, the plaintiffs filed this action ("Manhattanview") and a substantially similar action, Board of Trustees of 1199/SEIU Greater New York Benefit Fund and Board of Trustees of 1199/SEIU Greater New York Education Fund v. Amboy Care Center, Inc., No. 20cv6392 ("Amboy"). On April 15, 2022, the plaintiffs in both cases, Boards of Trustees of 1199/SEIU Greater New York Benefit Fund ("Benefit Fund") and Education Fund ("Education Fund"; together, the "Funds") filed for summary judgment citing the same law and substantially similar facts.

On June 27, this Court issued an Opinion in Amboy, granting summary judgment to the plaintiffs.

The same collective bargaining agreement ("CBA") governs the parties in this case and Amboy. Manhattanview has opposed

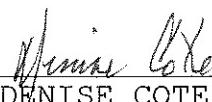
the Funds' motion for summary judgment on the same grounds raised by the defendant in Amboy. Therefore, for the reasons stated in the Amboy Opinion of June 27, it is hereby

ORDERED that the plaintiffs' motion for summary judgment is granted in part. Judgment for unpaid contributions for the period October 1, 2015 through December 31, 2018 shall be entered for the Benefit Fund for unpaid contributions in the sum of \$404,375.38 pursuant to the September 11, 2019 audit report. Judgment shall be entered for the Education Fund for unpaid contributions in the sum of \$5,922.76.¹ Both Funds are each awarded judgment for \$500 in audit costs and interest accruing at a 24% annual rate from December 31, 2018.

IT IS FURTHER ORDERED that the plaintiffs shall move for attorneys' fees and costs by **July 8**. Any opposition shall be filed by **July 15**.

IT IS FURTHER ORDERED that the plaintiffs shall include in their motion for attorneys' fees and costs a calculation of interest payments owed on the unpaid contributions through July 26, 2022.

Dated: New York, New York
June 28, 2022



DENISE COTE
United States District Judge

¹ This number reflects an award of \$674.97 in 2015; \$1,477.83 in 2016; \$1,607.43 in 2017; and \$2,162.52 in 2018.